

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harpold, et al.

) Group Art Unit: 1646

Serial No.: 07/938,154

) Examiner: Ulm, J.

Filed: November 30, 1992

)

For: HUMAN NEURONAL NICOTINIC ACETYLCHOLINE RECEPTOR  
COMPOSITIONS AND METHODS EMPLOYING SAME

**REQUEST FOR RECONSIDERATION OF HOLDING OF ABANDONMENT  
OR ALTERNATIVELY  
A PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION  
PURSUANT TO 37 C.F.R. § 1.137(b)**

APR 02 1998

Assistant Commissioner of Patents  
Washington, D.C. 20231

MATRIX CUSTOMER  
SERVICE CENTER

Sir:

This is a request for reconsideration of a Holding of Abandonment of the above-captioned application or, alternatively, this is a Petition to Revive an Unintentionally Abandoned Application pursuant to 37 C.F.R. § 1.137(b). The undersigned agent is in receipt of a Notice of Abandonment (dated March 25, 1998) of the above-captioned application for failure to respond to the Office Action, dated June 26, 1997 (hereinafter the Office Action), within the time limit. Applicant respectfully submits that there was no abandonment in fact of the above-captioned application because a complete Response to the Office Action was mailed under a Certificate of Mailing pursuant to 37 C.F.R. § 1.8 on December 26, 1997, along with a check and authorization to charge a deposit account to cover the fee for a 3-month extension of time and Notice of Appeal, and received by the U.S. Patent and Trademark Office.

As evidence that a complete Response was timely submitted to and received by the U.S. Patent and Trademark Office, Applicant provides the following: a copy of the Amendment after Final and Notice of Appeal as filed on December 26, 1997, with a Certificate of Mailing, a copy of cancelled check no. 048642 (indicating that it was cashed by the USPTO on January 14, 1998) which was submitted as payment toward the fee for a 3-month extension of time and Notice of Appeal, and a copy of a return postcard that was mailed with the Response, showing receipt by the U.S. patent Office on December 30, 1997. Because Applicant submitted a complete response within the prescribed time period, it is respectfully requested that the Holding of Abandonment be withdrawn.

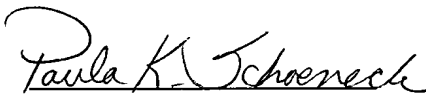
Alternatively, Applicant petitions pursuant to 37 C.F.R. § 1.137(b) to revive the abandonment of the above-captioned application because the delay was unintentional. If a Petition for an Extension of Time and corresponding fee is required in connection with revival of the application, this paper is to be considered to include such Petition, and the fee may be charged to Deposit Account No. 02-4070. In this regard, however, it is noted that a Petition for an Extension of Time for three months was included in the Response mailed December 26, 1997 together with a check for \$630.00, and authorization to charge a deposit account, in order to cover the extension fee and Notice of Appeal.

It is respectfully submitted that a fee should not be due in connection with this request. However, in the event that it is determined that a fee is due for filing the Request to Reconsider the Holding of Abandonment, the Petition to revive an unintentionally abandoned application or the Petition for extension of time, authorization is hereby given to charge Deposit Account No. 02-4070. If a fee is charged to the above-mentioned Deposit Account pending resolution of the Request, a refund is respectfully requested in view of a favorable decision on the Request.

Therefore, reconsideration of the Holding of Abandonment or, alternatively, consideration of a Petition for Revival for Unintentional Abandonment is respectfully requested.

\* \* \*

Respectfully submitted,  
BROWN, MARTIN, HALLER & McCLAIN

By:   
Paula K. Schoeneck  
Registration No. 39,362

April 1, 1998  
Attorney Docket No. 6362-9380  
Address all correspondence to:  
Stephanie Seidman, Esq.  
BROWN, MARTIN, HALLER & McCLAIN  
1660 Union Street  
San Diego, California 92101-2926  
Telephone: 619/238-0999  
EMAIL sseidman@BMHM.com

SCRIPPS BANK  
SAN DIEGO OFFICE  
550 WEST "C" STREET SAN DIEGO, CA 92101  
90-4050/1222

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**BROWN, MARTIN, HALLER & McCLAIN**  
1660 UNION STREET (619) 238-0999  
SAN DIEGO, CA 92101

\*\*\*\*\* Six Hundred Thirty and xx/100 \*\*\*\*\*

DATE \_\_\_\_\_

**AMOUNT**

210054372 Dec 26 97 2119 2124 \$630.00

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WASHINGTON, D.C.

20231

James W. Price

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ENCLOSURES: TRANSMITTAL LETTER (in duplicate); AMENDMENT; NOTICE OF  
APPEAL; CHECK FOR \$630 and RETURN POSTCARD.  
INVENTORS: HARPOLD, ET AL.  
SERIAL NO: 07/938,154 FILING DATE: November 30, 1992  
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